IN THE HIGH COURT OF JUDICATURE, ANDHRA PRADESH
AT HYDERABAD

(Special Original Jurisdiction)

MONDAY, THE TWENTY NINETY DAY OF AUGUST
TWO THOUSAND AND FIVE

PRESENT

THE HON'BLE MR JUSTICE B.SESHASAYANA REDDY

WRIT PETITION NO : 3533 of 2005

Between:

1 Sulge Papaiah and four others.

..... PETITIONERS

AND

1 The Government of Andhra Pradesh, rep by its

Principal Secretary, Revenue Department,

Secretariat Buildings, Secretariat, Hyderabad and two others.

.....RESPONDENTS

ORDER:

This Writ Petition has been filed by the petitioners, who are five in number, with a prayer to issue a writ, order or direction more in the nature of Mandamus declaring the action of the respondents in taking forcible advance possession of the petitioners' land to the extent of Ac.7.19 Guntas, situated in Survey No.5 of the Shivrampally Jagir, Hyderabad Urban, Rajendra Nagar Mandal and Municipality, Ranga Reddy District, without invoking the procedure prescribed under Section 17 of the Land Acquisition Act, 1894 (for brevity 'the Act') as illegal and arbitrary and a further direction has been sought for to the

respondents to pay 80% of the compensation amount under Section 17 (3-A) of the Act.

2. It is the case of the petitioners that they are the owners of the land in Survey No.5 admeasuring Ac.7.19 Guntas and the possession of the same has been taken over by the Government without passing any award and thus, they approached this Court seeking relief stated supra.

3. Heard the learned counsel for the petitioners and the learned Government Pleader for Land Acquisition appearing on behalf of the respondents.

4. The learned counsel for the petitioners submits that the respondents having taken possession of the land neither paid the compensation nor passed the award and therefore, their action is not legal and proper. Hence, the same is required to be declared as illegal.

5. The learned Government Pleader for Land Acquisition submits that the proceedings have been initiated to acquire the land and Section 4 (1) Notification has been issued and therefore some time is required for completing the proceedings under the Act. The fact of issuing Notification under the Section 4 (1) of the Land Acquisition Act in respect of the land for which the petitioner claims ownership is not in dispute. The respondents having issued Section 4(1) Notification have to complete the proceedings within the time stipulated under the Land Acquisition Act.

6. Keeping in view of the facts stated above, I deem it appropriate to dispose of the Writ Petition with a direction to the respondents to complete the proceedings initiated under the Land Acquisition Act within a period of two months from the date of receipt of a copy of this order.

7. Accordingly, the Writ Petition is disposed of with the aforementioned direction without any order as to costs.

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August 29, 2005

KVR